

RESOLUTION NO.

WHEREAS, the National Environmental Policy Act (NEPA) was signed into law on January 1, 1970, and requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions; and

WHEREAS, under NEPA, the Austin-Bergstrom International Airport (ABIA) was required to complete an Environmental Assessment (EA) for the new Jet-A fuel facility (ABIA Fuel Farm EA), with the possibility of issuing an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI); and

WHEREAS, a draft of the ABIA Fuel Farm EA was not posted for public notice and comment, nor did the preparers of the ABIA Fuel Farm EA seek out or receive any public comments before finalizing and publishing; and

WHEREAS, the ABIA Fuel Farm EA considered only the No Action alternative and the Proposed Action alternative; and

WHEREAS, the ABIA Fuel Farm EA's Proposed Action is in two phases: (1) an expansion within the footprint of the existing fuel farm involving an additional interim fuel delivery truck offload rack and a new ground service equipment fuel service station, consisting of two separate 10,000-gallon above ground tanks, one for diesel and one for gasoline (Phase I), and (2) development of the fuel farm on the west side of the existing runway, consisting of two 1.5 million-gallon Jet-A fuel storage tanks, new offload racks, and supporting infrastructure and equipment (Phase II); and

WHEREAS, the ABIA Fuel Farm EA’s Proposed Action specifically states that “[t]he existing fuel tanks will remain in operation until airfield improvements require them to be removed”; and

26 **WHEREAS**, on October 30, 2018, during a regular Council work session
27 meeting, City Council was presented with an Airport Layout Plan graphic, but not
28 a draft of the 2040 Master Plan guidebook, which includes a discussion of
29 alternatives analyzed, among other topics; and

30 **WHEREAS**, the Airport Master Plan was published in December 2018; and

31 **WHEREAS**, the Airport Master Plan included an alternatives analysis that
32 considered only one scenario to plan for aircraft fueling: expansion of the existing
33 fuel farm area that will provide capacity for the next 20 years; beyond the 20-year
34 time horizon, to relocate the fuel facility to the west side of the airport; and

35 **WHEREAS**, the Airport Master Plan considered that the existing fuel farm
36 will only need to be relocated when the third parallel Runway 17C-35C is
37 constructed in the future, and the latest Airport projects underway do not yet
38 include design or construction of the third runway; and

39 **WHEREAS**, the Airport Master Plan states in the alternatives analysis that
40 “this environmental evaluation is intended to support the master planning process
41 and does not assess potential environmental impacts at the NEPA level;” and

42 **WHEREAS**, neither the Airport Master Plan nor the ABIA Fuel Farm EA
43 considered any other alternative locations to relocate the fuel facility other than the
44 west side of the airport; and

45 **WHEREAS**, the Airport Master Plan acknowledges that the community
46 closest to the proposed fuel farm is considered an Environmental Justice (EJ)
47 community and that future studies would be required to determine the potential
48 impacts of airport development activities on EJ communities per Executive Order
49 12898, which requires all federal agencies to consider whether their programs,

policies, and activities would have disproportionately high and adverse human health or environmental effects on minority and low-income populations; and

WHEREAS, the EA failed to conduct the EJ analysis required by Executive Order 12898, and instead summarily concluded that environmental justice impacts are not anticipated because the fuel farm relocation project will be contained primarily on airport property; and

WHEREAS, EPA guidance documents recognize the need for meaningful engagement with the affected community, particularly where those communities are EJ communities, before decisions are made regarding a development that may affect those communities; and

WHEREAS, “meaningful engagement” with the affected community generally includes early and consistent engagement with the affected community and ensures that: (1) the potentially affected populations have an appropriate opportunity to participate in decisions about a proposed activity that may affect their environment and/or health, (2) the population’s contribution can influence the proposed decisions, and (3) the concerns of all participants involved will be considered in the decision-making process; and

WHEREAS, the affected community was not meaningfully engaged before the EA was prepared for the proposed relocation of the fuel farm; and

WHEREAS, the Airport is currently subject to ABIA Development Ordinance No. 20120628-014, which grants specific variances to City Code related to development within the Critical Water Quality Zone and Water Quality Transition Zones; and

WHEREAS, in October 2013, City Council approved a new Watershed Protection Ordinance with the intention of improving creek and floodplain

75 protection and simplifying development regulations by minimizing the impact on
76 the ability to develop land within the City; and

77 **WHEREAS**, the current ABIA Development Ordinance took effect July 9,
78 2012, meaning the Airport is not subject to the 2013 Watershed Protection
79 Ordinance; and

80 **WHEREAS**, the ABIA Development Ordinance requires administrative
81 review and approval at least every ten years, and the Airport Master Plan
82 recommended that prior to significant construction of projects identified within the
83 first phase of implementing the Master Plan, ABIA modifies the current
84 development ordinance to take into account the latest Watershed Protection
85 Ordinance and other relevant provisions in City Code; and

86 **WHEREAS**, it is essential that we understand the legacy of environmental
87 injustice and racism associated with historical major oil company gasoline tank
88 farm locations in East and Southeast Austin; and

89 **WHEREAS**, the City is desirous of providing information to the residents
90 of Southeast Austin related to the Jet-A fuel storage project, to support the City's
91 commitment to preserving environmental altruism; and

92 **WHEREAS**, communities of color disproportionately experience the
93 impacts of environmental injustices leading to health risks; and

94 **WHEREAS**, the Strategic Direction 2023's Mobility Strategy supports the
95 need to "ensure our transportation network optimizes community safety, including
96 street safety, emergency response, flood risk, disaster resiliency, and public
97 health"; and

98 **WHEREAS**, the Strategic Direction 2023's Health & Environment Strategy
99 supports the need to “promote healthy living and well-being with a particular focus
100 on areas and communities with high rates of chronic disease and high-risk
101 behaviors who lack access to services”; **NOW, THEREFORE,**

102 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

103 The City Manager is directed to:

- 104 (1) ~~Strike authorization from the 2020 ABIA Fuel Farm EA to relocate~~
105 ~~the fuel facility to the west side of the Airport and until further~~
106 ~~authorization, Limit all expansion of Jet-A fuel storage to the current~~
107 footprint only, denoted as the existing fuel storage facility at the
108 Northwest location of the Airport, until further authorized by Council;
- 109 (2) Identify at least three possible alternative locations, including land not
110 owned by the City, to where the fuel facility could be relocated in
111 Phase II of the proposed fuel farm development, not including the
112 west side location identified as the Proposed Action in the 2020 ABIA
113 Fuel Farm EA;
- 114 (3) Prepare a preliminary draft Environmental Assessment considering
115 these possible alternative fuel facility locations with feedback from
116 local environmental justice experts for purposes of receiving public
117 input;
- 118 (4) Include in the EA a robust environmental justice analysis with the
119 contributions from the City’s Equity Office and local environmental
120 justice experts;
- 121 (5) Provide for robust City-led public participation, including meaningful

engagement with the affected communities, including Seeling Drive and McCall Lane residents, on the preliminary draft EA; and

(6) Bring back to this Council for approval, the Proposed Action alternative, prior to publishing the EA for notice and comment pursuant to NEPA.

(7) Expand the current Jet-A fuel site with one to two additional fuel tanks and explore avenues for expedited permitting through local, state, and federal processes.

(8) Explore interim Jet-A fuel capacity shortages, including, but not limited to, examining increasing the fuel delivery routes and partnering with the Austin Executive Airport for major planned events.

(9) Require future development and actions on the leased land at ABIA, including, but not limited to, between the airline consortium, TxDOT, and any other tenants, to be brought forward to the council for approval.

ADOPTED: _____, 2022 **ATTEST:** _____

Myrna Rios
City Clerk